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PTO/SB/21 (08-03)
FEB 12 2004

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/519,076
		Filing Date	March 6, 2000
		First Named Inventor	Salkoff, Lawrence
		Art Unit	1646
		Examiner Name	N. Basi
Total Number of Pages in This Submission		Attorney Docket Number	018512-00013005

TECH CENTER 1600/2900

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ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form x2 <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input checked="" type="checkbox"/> Petition Under 37 CFR 1.181(a) to Withdraw Holding of Abandonment <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard; Exhibit A: copy of Office Action mailed 3/11/03; Exhibit B: copy of returned postcard dated 6/24/03 by OIPE
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Townsend and Townsend and Crew LLP	
	Annette S. Parent	Reg. No. 42,058
Signature		
Date	1-23-04	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Karen Karlin		
Signature		Date	1-26-04

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130

Complete if Known

Application Number 09/519,076
 Filing Date March 6, 2000
 First Named Inventor Salkoff, Lawrence
 Examiner Name N. Basi
 Art Unit 1646
 Attorney Docket No. 018512-000130US

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FEB 03 2004
OFFICE OF PETITIONS

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number

20-1430

Deposit
Account
Name

Townsend and Townsend and Crew LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below		Fee Paid
Total Claims						
Independent Claims						
Multiple Dependent						

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) Petition to Withdraw Holding of Abandonment					130

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

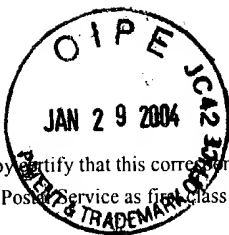
(\$130)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type) Annette S. Parent Registration No. (Attorney/Agent) 42,058 Telephone 415-576-0200
 Signature *Annette S. Parent* Date 1/23/04

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On 1-26-04

TOWNSEND and TOWNSEND and CREW LLP

By: Karen Lorlin

PATENT
Attorney Docket No.: 018512-000130US

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TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Salkoff et al.

Application No.: 09/519,076

Filed: March 6, 2000

For: A PH SENSITIVE POTASSIUM
CHANNEL IN SPERMATOCYTES

Customer No.: 20350

Confirmation No. 8507

Examiner: N. Basi

Technology Center/Art Unit: 1646

PETITION UNDER 37 C.F.R. § 1.181(a)
TO WITHDRAW HOLDING OF
ABANDONMENT

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Abandonment mailed December 15, 2003, Applicants respectfully petition under 37 C.F.R. § 1.181(a) and MPEP § 711.03 to withdraw the holding of abandonment for the above-referenced patent application.

As evidence, the following items are submitted herewith:

Exhibit A: A copy of the Office Action mailed March 11, 2003.

01/30/2004 YPOLITE1 00000019 201430 09519076

01 FC:1460 130.00 DA

Appl. No. 09/519,076
Petition dated January 23, 2004
In response to Notice of Abandonment of December 15, 2003

PATENT

Exhibit B: A copy of the return postcard from the PTO for the submission of a response to the Office Action of March 11, 2003, which bears a stamp indicating receipt of the response on June 24, 2003.

REMARKS

According to the Notice of Abandonment mailed on December 15, 2003, the above-referenced patent application has been deemed abandoned, because the March 11, 2003, Action was a final Office Action and the mere filing of a response did not prevent the six-month time period for reply from lapsing.

Applicants submit that the Notice of Abandonment is in error, because the Office Action mailed March 11, 2003, was not a final Office Action. As evidenced by Exhibits A and B, the Action was non-final and a response to the Action was received by the PTO on June 24, 2003, well within the six-month statutory period for submitting a response.

As such, Applicants hereby respectfully request grant of the petition and withdrawal of the holding of abandonment for the above-referenced patent application.

Please charge any necessary fees or credit overpayment to the above deposit account.

If a telephone conference would expedite consideration of this matter, the Examiner is invited to telephone the undersigned at (415) 576-0200.

Respectfully submitted,



Annette Parent
Reg. No. 42,058

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
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Attachments: Exhibits A and B.
60124744 v1